

CENTURY OIL AND GAS CORP.

IBLA 81-267

Decided September 30, 1981

Appeal from decision of the Utah State Office, Bureau of Land Management, rejecting a noncompetitive oil and gas lease offer. U-47726.

Set aside and remanded.

1. Oil and Gas Leases: Applications: Amendments--Oil and Gas Leases:  
First-Qualified Applicant

Where an over-the-counter noncompetitive oil and gas lease offer is filed by a corporation unaccompanied by a statement of its qualifications or a reference by serial number to the record in which it has been filed, and such defect is remedied prior to the filing of any junior offer, such offer may be considered with priority as of the date the curative information is filed.

APPEARANCES: John D. Buckley, Manager of Lands, Century Oil and Gas Corporation, for appellant.

OPINION BY ADMINISTRATIVE JUDGE GRANT

Century Oil and Gas Corporation (Century), has appealed from a decision of the Utah State Office, Bureau of Land Management (BLM), dated December 29, 1980, rejecting its noncompetitive oil and gas lease offer, U-47726, for the stated reason that the offeror failed to submit a statement of corporate qualifications or refer to a serial number of a file in which such a statement had previously been filed, as authorized by 43 CFR 3102.2-1(c). Additionally, in its decision BLM determined that appellant failed to respond to item No. 6 on lease form 3110-1, which requires that the offeror state whether it is the

sole party in interest in the offer and lease as required by 43 CFR 3102.2-7. 1/

In the notice of appeal filed with BLM on January 8, 1981, appellant admits that through "internal administrative oversight" it failed to complete the required statement of corporate qualifications as well as supply the information requested in item No. 6 on the lease offer form. However, appellant asserts that its statement of qualifications is on file with BLM in file C-20303 and that offeror is the sole party in interest.

A lease offer filed by a corporation must be accompanied by a statement of qualifications setting forth the State of incorporation, that it is authorized to hold oil and gas leases, a complete list of corporate officers identifying those authorized to act on behalf of the corporation in Federal oil and gas leasing matters, the percentage of voting stock and all stock owned by aliens, and the names and addresses of any stockholders owning more than 10 percent of the corporation's stock (additional statements are required from any such stockholders). 43 CFR 3102.2-5. The regulations permit offeror to file a statement of qualifications containing the required information for reference and to refer to the assigned serial number in lieu of refiling the information where the evidence of qualifications has been accepted and where the information on file is still current. 43 CFR 3102.2-1(c). An oil and gas lease offer filed by a corporation is properly rejected where it is not accompanied by either acceptable evidence of corporate qualifications or by reference to the serial number of a file in which such information previously submitted and accepted may be found. Cheyenne Resources, Inc., 46 IBLA 277, 279-80, 87 I.D. 110, 111 (1980); Anchors and Holes, Inc., 33 IBLA 339, 341 (1978). Accordingly, the BLM decision was proper under the circumstances at the time it issued.

[1] However, where a lease offer filed over-the-counter (as distinguished from simultaneous filings under 43 CFR Subpart 3112) is defective for failure to provide evidence of corporate qualifications or a reference by serial number to the record in which it has been filed, and such defect is remedied prior to the filing of any junior offer for the subject lands, the lease offer may be considered with priority as of the date the curative information is filed. NL Industries, Inc., 41 IBLA 38 (1979). Since appellant, in the notice of appeal, has referenced a file which is alleged to contain evidence of qualifications, the decision may properly be set aside and the case

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1/ The BLM decision cited the prior regulation, 43 CFR 3102.7 (1979). This regulation was rewrote and recodified effective June 16, 1980, 45 FR 35162 (May 23, 1980), and now appears at 43 CFR 3102.2-7. The substance of the regulation was not changed in so far as it requires a statement by the offeror regarding other parties in interest.

remanded to allow BLM to readjudicate the lease offer in light of the information provided with the notice of appeal, except that priority can only be recognized from the date the supplemental information was supplied. 2/

Therefore, pursuant to the authority delegated to the Board of Land Appeals by the Secretary of the Interior, 43 CFR 4.1, the decision appealed from is set aside and the case is remanded.

C. Randall Grant, Jr.

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Administrative Judge

We concur:

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Bernard V. Parrette  
Chief Administrative Judge

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Edward W. Stuebing  
Administrative Judge

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2/ The land status plat in the case file indicates that a senior oil and gas lease offer (U-47658) has been filed for some of the lands embraced in appellant's offer.

